

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-14-289
-vs-)	
)	DECISION
JONEE ELIZABETH O'BRIEN,)	
)	
Defendant.)	

On June 7, 2018, Defendant's deferred sentence for Bail Jumping was revoked. She was sentenced to the Department of Corrections for five (5) years, with no time suspended. Defendant was granted credit for 6 months of elapsed time and 59 days for time served. The Court recommended placement in the ISP program.

On October 5, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared telephonically from Tennessee and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

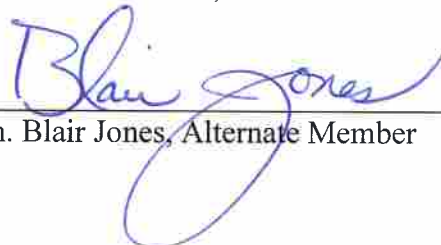
Done in open Court this 5th day of October, 2018.

DATED this 2nd day of November, 2018.

SENTENCE REVIEW DIVISION

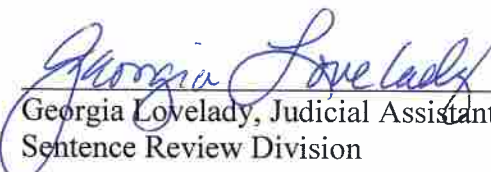

Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Blair Jones, Alternate Member

Copies mailed this 7th day
of November, 2018, to:

Clerk of District Court (Original)
Jonee Elizabeth O'Brien #3015502, Defendant (2)
Hon. Dan Wilson
Brent Getty, Defense Counsel
John Donovan, Esq.
Board of Pardons and Parole
MWP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division